



CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 13, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0223

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	6.010-POL 1. Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect an Arrest	Not Sustained - Lawful and Proper (Expedited)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

The Complainant alleged Named Employee #1 (NE#1) arrested him without probable cause.

ADMINISTRATIVE NOTE:

This case was designated as an Expedited Investigation. This means that OPA, with the Office of Inspector General's (OIG's) review and approval, believed that it could reach and issue recommended findings based solely on its intake investigation and without interviewing the involved employees. As such, OPA did not interview the involved employees in this case.

On June 23, 2023, OIG certified OPA's investigation as thorough, timely, and objective.

SUMMARY OF INVESTIGATION:

The Complainant filed a web-based complaint with OPA. In the complaint, the Complainant alleged individuals posing as security guards for his apartment building harassed him. The Complainant stated that, later, NE#1 and another officer arrived and took him into custody, "on what was first a civil warrant regarding my mental health and later a criminal warrant for property damage at my apartment complex." The Complainant wrote that he was taken to the North Precinct instead of King County Jail (KCJ). The Complainant wrote that a sergeant at the North Precinct, "asked what I thought about Donald Trump." The Complainant alleged NE#1 then produced paperwork stating he was under arrest for "violent tendencies." The Complainant wrote that, thereafter, he was taken to UW Medical Center by ambulance, where he was "injected with sedatives" and detained based on an order of the Superior Court. The Complainant alleged his "constitutional rights," and "criminal due process," were violated.

OPA opened an intake investigation. During its intake, OPA reviewed the web-based complaint, computer-aided dispatch (CAD) call report, Involuntary Treatment Act (ITA) court order, incident report statements, and body-worn video (BWV). OPA also interviewed the Complainant.



On May 10, 2023, NE#1 and Witness Officer #1 (WO#1) were dispatched to an apartment building for a 9-1-1 call for a male resident threatening to “beat” the caller up. The caller also noted the resident was in the process of being evicted and had damaged the hallways with a hammer earlier in the morning. For the “suspect” in the incident, the caller provided the Complainant’s name, physical description, and unit number. Another call update noted that there was an earlier call that had been cleared, and that the Complainant had threatened security guards who were still present. A call update also listed an ITA Order with a misdemeanor warrant and noted the Complainant had a threats-to-law-enforcement caution. The Complainant then also called 9-1-1 to report that people claiming to be security were banging on his door but he did not believe they were building security.

NE#1 and WO#1 both wrote statements concerning their response to the building. NE#1 documented that he was reading the warrant for the Complainant when WO#1 radioed the Complainant exited his room. NE#1 wrote the Complainant noted the “substantial” property damage but denied knowing who caused it. NE#1 wrote he and WO#1 had probable cause to arrest the Complainant for both the property damage and the ITA warrant. NE#1 wrote he and WO#1 placed the Complainant in handcuffs, at which time the Complainant became aggressive and stated the officers were, “Masons, Scientologists, that were working for George Bush, Jr.” NE#1 wrote that WO#1 confirmed the ITA warrant, and then NE#1 was transported to the North Precinct for arrest screening and, later, Northwest Hospital for his ITA warrant. WO#1’s statement was consistent with NE#1’s but contained other details. Specifically, WO#1 documented contacting building residents and staff who provided statements concerning the Complainant’s extensive property damage to the building.

BWV was consistent with the statements from NE#1 and WO#1.

OPA interviewed the Complainant, who refused to be audio recorded. When asked about his complaint, the Complainant noted NE#1 told him first he was under arrest for a “property crime warrant,” but then told him he was arrested for “violent tendencies.” The Complainant expressed suspicion that he did not have a warrant at the time of his arrest. The Complainant stated that, if there were a warrant prior to his arrest, then there was no problem, but he was concerned the warrant was issued after his arrest. The OPA investigator noted that much of the rest of the interview consisted of the Complainant talking over the investigator and not staying on the topic of the complaint. Instead, the Complainant discussed the legitimacy of the security guards, whether his property management company would change his locks, and wondered if OPA had “secretly” recorded him.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

6.010-POL 1. Officers Must Have Probable Cause That a Suspect Committed a Crime in Order to Effect an Arrest

The Complainant alleged that NE#1 arrested him without probable cause.

SPD Policy 6.010-POL-1 requires that officers have probable cause to believe that a suspect committed a crime when effectuating an arrest. Stated differently, where an arrest is not supported by probable cause, it violates law and Department policy. Probable cause exists when the facts and circumstances within an officer’s knowledge are sufficient in themselves to support a reasonable belief that an offense has been or is being committed. *See State v. Fricks*, 91 Wash.2d 391, 588 P.2d 1328 (1979); *State v. Gluck*, 83 Wash.2d 424, 426–27, 518 P.2d 703 (1974).



OPA reviewed the documents related to the complaint, including BWV. The interactions between the Complainant, NE#1, and WO#1 were captured on BWV. NE#1 had a valid ITA warrant and probable cause to arrest the Complainant for a new property crime. Here, NE#1 did arrest the Complainant, but he did so under lawful and proper authority based on probable cause.

Accordingly, OPA recommends this allegation be Not Sustained – Lawful and Proper (Expedited).

Recommended Finding: **Not Sustained - Lawful and Proper (Expedited)**